



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE December 10, 2015 DETERMINATION DATE November 26, 2015	CONTACT/PHONE Karen Nall knall@co.slo.ca.us (805) 781-5606	APPLICANT Mark and Elizabeth Lowerison, & Dennis Zadell	FILE NO. DTM2015-00006
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**SUBJECT**

Determination of conformity with the General Plan for the vacation of Melrose Avenue, a paper street, situated south of Berwick Drive and between the intersections of Dreydon Avenue and Dovedale Avenue in the community of Cambria. The road abandonment is in response to a request by Mark and Elizabeth Lowerison, and Dennis Zadell who are the adjacent property owners of Melrose Avenue. The street is located in the Residential Single Family land use category within the community of Cambria in the North Coast Planning Area.

**RECOMMENDED ACTION**

Receive and file the determination that the proposed road abandonment is in conformity with the County General Plan.

**ENVIRONMENTAL DETERMINATION**

This General Plan Conformity Report is not considered a project under CEQA and therefore does not require an environmental determination. Any subsequent land use permit application, however, would require an environmental determination.

LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Geologic Study Area	ASSESSOR PARCEL NUMBER N/A – County Right-of-Way	SUPERVISOR DISTRICT(S) 2
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**PLANNING AREA STANDARDS:**

South County Planning Area – San Luis Bay Inland Sub-Area, Flood Hazard, Airport Review Area

**LAND USE ORDINANCE STANDARDS:**

Section 23.07-080 – Geologic Study Area

**EXISTING USES:**

Vacant, undeveloped paper street

**SURROUNDING LAND USE CATEGORIES AND USES:**

North: Residential Single Family / Single Family Residence  
East: Residential Single Family / Single Family Residences  
South: Residential Suburban / Single Family Residences  
West: Residential Single Family / Single Family Residence

**TOPOGRAPHY:**

Generally level to gently sloping

**PROPOSED SERVICES:**

Water Supply: N/A  
Sewage Disposal: N/A  
Fire Protection: N/A

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

## PROJECT DESCRIPTION

The proposed project is a request for the vacation of the County's road easement constituting Melrose Avenue located south of Berwick Drive on behalf of a request submitted by Mark and Elizabeth Lowerison, and Dennis Zadell. The portion of Melrose Avenue to be vacated is approximately 0.02 miles (100 feet) and provides connection to Berwick Drive in the community of Cambria (refer to Graphics for more detailed location). The portion of Melrose Avenue to be vacated is currently used as a private driveway lined with naturally occurring trees and additional landscaping. This portion of Melrose Avenue does not provide pedestrian or vehicular access to any other public roads from Berwick Drive.

The County of San Luis Obispo Department of Public Works submitted a letter of support on September 28, 2012 for the applicant's request for the road vacation. The vacation effectively eliminates an easement right, held by the County on behalf of the public, leaving the underlying ownership (the applicants) without the legal obligation to allow public access.

State law requires a determination of General Plan conformity for any sale or abandonment of County owned real property before approval or property transfer. Once the general plan conformity report has been received and filed, the Board of Supervisors will make the determination to approve or disapprove the proposed abandonment of real property. California Government Code Section 65402 requires that the planning agency first find that the proposed vacation of the County's Road Easement be in conformity with the County's General Plan.

## GENERAL PLAN CONFORMITY

When the acquisition or abandonment of real property or the construction of structures is proposed by a public agency within the unincorporated area, the proposal must be evaluated for consistency with the General Plan before the action is authorized. Pursuant to Government Code Section 65100, the Department of Planning and Building is authorized to prepare and issue conformity reports that are required by Government Code Section 65402. This conformity report is required to evaluate whether the proposed abandonment of real property is consistent with the County General Plan.

The determination of conformity is to be based on the county General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.

*Staff Response: The portion of Melrose Avenue to be vacated is a paper street, and is currently used as a private driveway connecting the Lowerison property to Berwick Drive. The portion of Melrose Avenue being vacated does not provide public access to any other paved public roads from Berwick Drive. The vacation of Melrose Avenue will not interfere with the opportunity to access surrounding properties because existing residences are able to be accessed from Berwick Drive, a public road. The vacation is supported by Public Works and complies with the pertinent policies, General Plan elements, and the North Coast Planning Area Standards because the road is not currently used for public vehicular or pedestrian access and the applicants have formally requested the a portion of an existing county road easement (Melrose Avenue) be vacated.*

2. The project is consistent with the goals, objectives and policies of the Land Use Element and any other applicable General Plan element.

*Staff Response: The proposed project is consistent with the goals and policies of the Land Use Element because adjacent properties will continue to have direct and legal access from a public road (Berwick Drive).*

3. A proposed construction project is designed in conformance with the standards of the Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element area plan.

*Staff Response: There are no plans to develop or construct at the project site; however, any future construction projects and development shall be designed in conformance with the standards contained in Chapter 8 of the applicable Land Use Element area plan and Land Use Ordinance.*

4. The abandonment or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the General Plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community.

*Staff Response: The abandonment (also known as vacation) will not interfere with the opportunity to develop on adjacent properties. Currently, this portion of Melrose Avenue provides no vehicular access or connectivity to another public road from Berwick Drive. The abandonment of County property will allow the road to be absorbed by the adjoining property owners (Mark and Elizabeth Lowerison, and Dennis Zadell), who currently use this portion of Melrose Avenue as a private driveway. The vacation of Melrose Avenue will effectively eliminate public interest in the entirety of Melrose Avenue.*

#### DETERMINATIONS AND FINDINGS

The proposed abandonment (road vacation) is in conformity with the county General Plan based on the following findings:

- A. The elimination of the County road easement would not eliminate, delay or unreasonably interfere with the opportunity to develop structures as identified in the General Plan. The adjacent properties are zoned as Residential Single Family and are currently developed with single family residences. The proposed vacation would not interfere with the opportunity to develop structures on the adjacent properties or those in the immediate vicinity.
- B. The elimination of the County road easement does not conflict with other elements of the County General Plan because eliminating Public Road easement ownership to the adjoining private property owners (the applicants) is consistent with the goals, objectives and policies of the other elements of the General Plan.
- C. The vacation of the County's road easement constituting Melrose Avenue will not conflict with the applicable sections of the General Plan because the surrounding properties will continue to have safe access to their properties via Berwick Drive which are county maintained roads.

#### Attachments

1. Graphics
  - Vicinity Map
  - Land Use Category Map
  - Aerial Map
2. Mark Lowerison Abandonment Request – October 15, 2015
3. Public Works Memorandum – September 28, 2012

Staff report prepared by Kacey Hass and reviewed by Megan Martin and Karen Nall.